

REMARKS

Claims 1-20 are pending in the application. Claims 10-20 have been withdrawn from consideration. Claims 1-9 stand rejected. Claim 1 is an independent claim.

Claim 1 stands rejected under 35 U.S.C. '103(a) as allegedly being obvious over applicant's Admitted Prior Art ("APA") in view of Kinoshita (U.S. 6,330,265). Claim 1, recite, *inter alia*, "**a Bragg lattice layer formed on both sides of the gain layer along a longitudinal direction of the gain layer... enabling light having a corresponding wavelength to resonate in a direction vertical to a longitudinal direction of the gain layer**"

In rejecting patentability of claim 1, the Office Action acknowledges that such a feature is not shown or taught by APA. However, the Office Action asserts that "Kinoshita discloses an optical functional element which incorporates a Bragg layer (204, Figs. 16-18) on both sides of the gain layer (203, Figs. 16-17 and 206, Fig. 18) said Bragg layer enabling light having a corresponding wavelength to resonate in a direction vertical to a longitudinal direction of the gain layer" (Present Office Action, page 3, last paragraph). Accordingly, the Office Action indicates that a combination of the APA and Kinoshita discloses all features, including the feature related to Bragg lattice layer, recited in claim 1 and the combination renders claim 1 obvious.

Applicant respectfully submits that the element 204 of Kinoshita, however, is not same as the Bragg lattice layer recited in claim 1. In particular, nowhere does Kinoshita disclose that the element 204 is a **Bragg lattice layer** or a layer containing Bragg lattice. Moreover, nowhere does Kinoshita disclose that the its reflecting means is capable of "**enabling light having a corresponding wavelength to resonate in a direction vertical to a longitudinal direction of the gain layer**," as recited in claim 1.

Instead, Kinoshita discloses that the element 204 is merely a **reflection means or dielectric multi-layered film** that merely reflects radiation mode light with high reflectance (Column 20, line 26-29; see also column 2, line 3-6 (indicating its invention employs another resonator structure, **without disclosing that its reflecting means** enables a light having a corresponding wavelength to resonate in a vertical direction))).

Applicant submits that a reflection means 204 that merely reflects radiation mode light with high reflectance is different from and does not show, teach, or anticipate **a Bragg lattice**, much less **“a Bragg lattice layer formed on both sides of the gain layer along a longitudinal direction of the gain layer... enabling light having a corresponding wavelength to resonate in a direction vertical to a longitudinal direction of the gain layer,”** as recited in claim 1.

As both APA and Kinoshita fails to show or teach “a Bragg lattice layer disposed on both sides of the gain layer along a longitudinal direction of the gain layer... enabling light having a corresponding wavelength to resonate in a direction vertical to a longitudinal direction of the gain layer,” as recited in claim 1, two prior art references, alone or in combination, fail to anticipate and/or render claim 1 obvious. Applicant respectfully requests reconsideration and withdrawal of the rejection on claim 1.


Other dependent claims in this application are each dependent on the independent claim 1, and the dependent claims are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Amendment
Serial No. 10/781,508

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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